

There is an executive order signed by former president Clinton that is severely hampering a large segment of American industry and is a job killer. The executive order is #136740, which states in Sec 5(b)(1) the Federal Government will reimburse the tribe for the direct cost of compliance. <http://www.state.gov/documents/organization/136740.pdf>

This EO seems fairly benign, but it is actually being used to "extract" money from private industry, non-profits and individuals. For instance if you want to build a radio tower you must get FAA approval and approval from the FCC in the form of tower registration number (why two different federal agencies are involved is another story). The FAA part is fairly straight forward, but the FCC requires, before they will issue a tower registration number, an environmental review. This environmental review consists of, among other things, consultation with the tribes in the "affected area".

Sounds simple, right? Wrong! This so-called consultation feels like "extortion", because the tribes expect a fee to give a permission letter so you can get your FCC tower registration number. Also an Indian tribe in the "affected area" means any tribe that ever set foot in the state and that could be considered "tribal land", even if land is privately owned and has been farmed for decades. So you could "consulting" with dozen's of other tribes all over the United States, all expecting an \$500-\$800 fee or more and it could take months or years to hear back.

The FCC justifies this process under Section 106 - anything that requires a federal grant (or permission) requires a federal environmental review. So if farmer wants to put a 60 foot tower next to grain silo for a two-way radio technically he supposed to do an environment review because the two-way radio requires a FCC permit. Likewise if a radio station or cellular company wants to put up tower it would be bound by the environment review and the tribal "consultation".

I do not see the point of requiring an environmental review for removing a small quality of dirt for a radio tower, when you could remove dirt to build a Wal-Mart without a federal permit. This is inconsistent, and frankly is just a job killer, as many can not afford the large tribal costs, delays and uncertainty the process causes.

It's time to end this silliness. Maybe President Trump can fix this once and for all and reverse EO #136740. In the alternative, exempt towers that agree to sift all dirt removed for artifacts and take photographs as proof or that proposes to remove a limited amount of soil (EG 2000 cubic feet). In no case should a proponent have to deal with tribes that do not respond to the TCNS within the 30 day period (same as SHPO).

Respectfully Submitted,
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PS Here it states the tribal "fees" it says it is optional but that is not true at all - The FCC will not grant it without tribal concurrence: <http://www.achp.gov/regs-fees.html#role>